

**BUILDING A PATH TO IMPROVE
STUDENTS' SKILLS LEARNING ACROSS THE LAW CURRICULUM**

By:

Alejandra Ovalle *

Pontifical Catholic University of Chile School of Law, Chile

Abstract: There seems to be a consensus in order to add –in an explicit way– student' skills learning across the law curriculum. However, the experience shows that having only the decision of an academic administrator is not enough to change the way that a law school has been teaching for decades. Chilean civil law system and a long tradition of mostly lecturing classes are realities that need to be considered in the process. Also, reviewing how skills are currently learned by students, in an implied way, should not be ignored. This paper is about the long path that Pontificia Universidad Católica de Chile, School of Law, had decided to take, hoping to accomplish the challenge of improving students' skills learning across the curriculum

The impairment between theory and practice on lawyers' instruction is one of the main criticisms that traditionally have been made to Chilean legal education. Although there has been some progress in the last years, Chilean legal education continues mostly focused on the transmission of knowledge, ignoring students' skills learning.¹

This problem is not exclusive to the Chilean system. The Venezuelan professor Rogelio Perez refers to the situation of legal education in Latin America, stating that our Law Schools have been satisfied with the teaching of more and more knowledge. He adds that it is not surprising that schools that have reviewed their legal education have also placed close attention to activities aimed to the acquisition of skills and qualities.² Similarly, Professor Diaz de Valdes says that European countries that belong to a civil law system, have as well tried to strengthen the practical training of students, teaching skills that allow the interpretation and application of law.³

Although most Law Schools in Chile state that their graduates will achieve some practical skills before they leave the institution, their curriculum, syllabuses and assessments still basically refer to legal substantive knowledge.⁴

Work on the approval of a prompt reform is tempting. One way could be a curriculum amendment, adding skills learning methods and articulating learning objectives to the courses, including different levels of quality for each course.

* **Assistant Professor. Pontificia Universidad Católica de Chile, School of Law**

¹ See, DIAZ DE VALDÉS (2007) p. 23; COLOMA (2005) p. 150 and PEÑA (2010) p. 11.

² PÉREZ (2007) p. 266

³ DIAZ DE VALDÉS (2007) p. 43

⁴ See, BASCUÑÁN (2007) p. 4 and COLOMA (2005) p. 135

However, institutions have to learn from their past mistakes. Through the years, we have tried many times to implement curricular and teaching "revolutions". These experiences have shown that the mere decision of School's administrators on a regulatory or formal change is not enough to modify a teaching culture and deeply rooted structures of the faculty. These changes are even more difficult in older and prestigious law schools, because of the resistance to cease reproducing the way that their professors had taught them as students.

As noted, law instruction culture in Chile makes it difficult to achieve students' skills learning across the curriculum. The civil law system, based on codes and statutes, has influenced the idea of teaching through lectures with little interaction from students.⁵ As Professor Guerrero describes, many classes are transformed into a linear presentation of a topic, in which the professor makes a conference and the students are merely taking notes, trying to get each word of the lecture, in order to ensure the possibility of answering their exams with the exact words and vocabulary used by the teacher.⁶

Despite the reality described above, the Law School of *Pontificia Universidad Católica de Chile*, has proposed to improve students' skills learning across the curriculum. However, before any curriculum and programs amendment are made, we have decided to conduct a study that allows us to have a diagnosis on the current status of our students' skills learning.

In this research, we asked students of mandatory courses if that particular course had directly contributed to learn each of the skills that the school had determined necessary for law practice.⁷ Also, when the student answered affirmative, we asked their view on the way the teacher had accomplished that skill learning. The purpose was known the skills that were learned, in which courses and the factors that currently favor this apprenticeship.

Currently -according to students' perception- the mainly learned skills at our school are critical thinking and problem-solving. While there is a tendency to develop these skills in some courses⁸ about 80% of students indicated that their learning was the result of the work that the teachers do in their respective classes, suggesting different positions of scholars or jurisprudence, and presenting real or hypothetical problems, that students have to solve.

Despite of these skills' high percentages of accomplishment, we are concerned that learning mostly relies on what a particular professor chooses to do in class. Thus, some students could graduate without having learned these skills, simply because they took courses in which

⁵ Bascuñán explains this influence, saying that at the time that different codes had passed, these contents were included in the curriculum. The method was to teach each article of the Code, expecting students to memorize them. (Bascuñán (2007) p. 3)

⁶ GUERRERO (1997). p. 22. See also COLOMA (2005), BASCUÑÁN (2007) y PEÑA (2010)

⁷ The preliminary version of the graduate profile considers the following skills: Critical Thinking, Problem Solving, Written Communication, Oral Communication, Legal Research and Teamwork Ability.

⁸ There is a greater tendency to develop Critical Thinking in Civil Law, Constitutional Law and Criminal Law. In the case of Problem Solving, the courses that stand out are Clinic, Civil Law and Criminal Law.

professors weren't concerned of teaching critical thinking and problem-solving.⁹ In addition, while many teachers teach these skills, they are rarely evaluated.

The study showed that legal writing and oral communication were learned close to 60% average. In both cases, the students stated that the acquisition of these skills depended primarily on the assessments.

Although the majority of the assessments are written or oral evaluations of content, in over 70% of the courses with outstanding results,¹⁰ the teacher planned different kinds of assessments, such as, papers, essays, cases, dissertations, debates and mock trials. Moreover, the results show that written and oral communication is learned primarily in courses that are run by full-time professors.¹¹

Finally, legal research and teamwork ability are the main challenges, because we have to significantly improve this skills learning. In both cases, students stated having learned these skills through different kinds of assessment. Again, outstanding courses were primarily directed by full-time professors.

The result of this study is the starting point of the changes we expected to perform in students' skills learning. The strengths and weaknesses shown will guide future decisions to be taken in the matter.

Thus, we have information related to the areas, courses and sections in which the teaching of skills has been naturally incorporated. A future reform should consider this asset, strengthening the already existing culture. This study also illustrated that the Legal Clinic has successfully developed many of these skills, so some of their practices may be used as a model for other courses in the curriculum.

On the other hand, the results confirms the need of adding – in a explicit way - these skills in the curriculum and mandatory courses programs, so we can be sure that all students - regardless of the teacher they choose in each courses- learn these skills considered essential for law practice.¹²

⁹ Pontificia Universidad Católica de Chile, School of Law, normally offers 5 sections of each mandatory course.

¹⁰ We considered "courses with outstanding results", when over 85% of students stated that the course directly contributed to learn the particular skill.

¹¹ The faculty of Chilean law schools has been mainly composed by adjuncts. In the past 7 years, our full time professors increased from 6 to about 40. However, full time professor still represent about 25% of the faculty.

¹² Bascuñán states that a School cannot expect that the student is going learn a skill spontaneously. If an institution wants their students to be able to do something when they leave the school, it is necessary to add the skill as a learning objective and teach and assess it. Very little has been done in our law school is this way (Bascuñán (2007) p.7)

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This process must consider not only the explanation of respective skill in the learning objectives, but to provide our teachers with tools to enable them to incorporate new methodologies to facilitate this learning and make the appropriate evaluations to verify compliance of the objective.

This study also shows that assessments are critical in some of these skills learning, so we must emphasize its role in the educational process.¹³ The challenge is to move towards the construction of evaluations that meet learning objectives and not merely consider memorization and repetition of content.¹⁴

As noted, it is more likely that full-time teachers conduct different types of assessments that facilitate this learning, so the School should move towards developing support and resources for adjuncts professors, who can spend less time planning and executing such assessments.

In conclusion, experience has taught us that drastic changes in law curriculums have not been effective. Consequently, we have begun a reform by undertaking a survey of students' perception. This first stage of the process of improving students' skills learning, gave us critical information that is going facilitate including skills in the curriculum. We already have professors that are teaching and assessing some of the skills and also we can share some good practices that have worked according to the students' perception. Also, the socialization of the activity between faculty and other instances of participation, have increased the critical mass of teachers who favor progress and improvement of teaching in our School.

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¹³ See Bascuñán (2007) p.6

¹⁴ Coloma notes that in the Chilean legal education system most assessments are written and oral exams, which are useful to verify contents, but disregard skill and value learning. Also, this kind of evaluation privileges the ability to memorize and reproduce contents (COLOMA (2005) p.138)